

1 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 BRENTA MARY HENRY,

14 Plaintiff,

v.

15 JEFFERSON TRANSIT AUTHORITY,

16 Defendant.

No. 12-cv-6063 RBL

Order

[Dkts. #6]

17  
18 Plaintiff moves for an order appointing counsel. (Dkt. #6.) A district court may permit  
19 indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of  
20 indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application,  
21 but “the privilege of proceeding *in forma pauperis* in civil actions for damages should be  
22 sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S.  
23 845 (1963). Moreover, a court should “deny leave to proceed *in forma pauperis* at the outset if it  
24 appears from the face of the proposed complaint that the action is frivolous or without merit.”  
25 *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see*  
26 also 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if “it ha[s] no  
27 arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir.  
28 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

Here, the Court must deny Plaintiff's application because the Complaint lacks factual allegations upon which relief could be granted. The Motion for Appointment of Counsel (Dkt. #6) is **DENIED**.

Moreover, Plaintiff has failed to pay the filing fee and the case is therefore **DISMISSED**.

Dated this 2<sup>nd</sup> day of May 2013.

Ronald B. Leighton

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE